

November 10, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Supt. Givens; Comm. Maynard; Dave and Judy Whitten; Bob Williams; Jerry Walden; Tom Hogan and Rich DeMarco – Johnson Controls, Inc.; Hank Hudson; Scott Titzer – Infinity Molding, Inc.; David Frye and Dr. Keith Spurgeon – MSD of Mount Vernon; Joe Winiger; Chris Zirklebach; Amy Moore – Mount Vernon Democrat; and Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he will let Supt. Gray give the report this evening.

Supt. Gray reported the clear well was down this week, it has since been sanitized and is back in service and all is going well.

Supt. Gray continued his report by requesting Family Medical Leave for Gordon Jeffries for a few months. He then stated recommends the request be approved.

Board member Curtis moved Mr. Jeffries be approved for Family Medical Leave. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker then stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Supt. Gray then stated he has ordered the packer barn for the Street Department and the company is requesting one third down (\$12,806); one third on delivery and the final third upon completion.

Chairman Curtis asked if that was listed in the contract ?

Supt. Gray replied yes, though he does not have it with him, he can get it.

Board member Askren moved they approve the payment schedule as stated by Supt. Gray. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

Board member Hoehn asked if someone could look at the contract and report back.

Chairman Curtis replied Attorney Higgins could do that.

Supt. Gray agreed and added it is a standard one page agreement.

Mayor Tucker then stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Supt. Gray stated he has nothing further to report.

Board member Higgins asked about the booster station on Country Club Road ?

Supt. Gray replied all is going according to plan and they are on schedule. He then stated Mr. DeMarco of JCI will now update the Board on the construction.

Mr. DeMarco stated they have been working on the filter building quite extensively since the Board last met. He stated they are working on installing the internal assembly, and that should be done in the next two weeks. He continued by stating the concrete has been poured and the building is now standing on its own; valve locations are now being set; and they working on framing up the four walls. He then stated they should be ready to erect the steel next week and again, they should be under roof by mid December. He added they are continuing with the piping and the electrical items are coming along as well. He stated they will be making the transition of the electrical to the new building very soon. He added the backwash building is being fabricated and the doors are to be installed soon. He then stated it has already been backfilled. He continued his report by stating the Keck booster station is progressing with the pre cast roof in place.

Chairman Curtis asked for a projected completion date on that project ?

Mr. DeMarco relied it is hard to say, as they are having issues with the delivery dates on the pumps, but possibly mid January for delivery of them. He added they will be working to try to get them delivered sooner, they are putting pressure on the manufacturer. He then asked if there were any questions ?

There were none.

Mayor Tucker asked if there were any questions of Chairman Curtis or Supt. Gray ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked Attorney Higgins for and Legal items.

Attorney Higgins stated Mr. Titzer of Infinity is present with a request for a water tap at their facility on Industrial Road.

Mr. Titzer stated they received permission for their sewer tap at last week's Board of Works meeting, be neglected to realize they would also need permission for their water tap. He added they will have a 6" line for fire service and a 2" line for their domestic use.

Attorney Higgins stated she looked for an agreement for the location when it was Mid America Plastics, but she could not locate one. She added the agreement could have been restricted to that business anyway, so a new agreement just makes more sense. She then stated they do have the legal description for the property, but they need to know if the water department will be able to meet Infinity's water needs.

Supt. Gray replied they are located right next door to the new booster station, and he feels the water department will be able to supply ample water to meet their needs.

Board member Curtis moved permission for the water tap be given, pending completion of paperwork.

Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mr. Titzer thanked the Board and left the meeting.

Mayor Tucker stated in the Audience is Bob Williams with a request for water service.

Attorney Higgins stated Mr. Williams is requesting one residential water tap.

Mr. Williams approached the podium and added he lives on Seibert Lane and will tie in off of his father-in-law's line, east Seibert, on the south side.

Supt. Gray replied unfortunately that is not the city's line, it belongs to Mr. Russell, as far as he knows.

Board member Hoehn asked if that means then that Mr. Russell charges the tap fee ?

Mr. Williams replied yes.

Board member Curtis stated he believes that if the Board okays the request, Mr. Williams will be subject to a fee through the water department as well as Mr. Russell, if Mr. Russell owns the line.

Attorney Higgins agreed that would be the case if the line was not a city line, therefore, he would have a two-step approval process in this case.

Supt. Gray added there are 24 customers on that line, they have tested the pressure in the area and it tested at 80 psi, which is more than enough to handle Mr. Williams' flow. He added the water department can supply his needs.

Board member Hoehn asked where he is located on the line ?

Supt. Gray replied he is at the dead end of the line.

Attorney Higgins stated in 2005 Uebelhack extended that line and he had to get permission from Mr. Russell.

Mr. Williams stated he has permission from his father-in-law, who is off of the Russell line.

Board member Hoehn stated he would need permission from the city, Mr. Russell, and his father-in-law to tap the line.

Mr. Williams stated he has spoken with Mr. Russell, though he has nothing in writing from him.

Attorney Higgins stated if he can sign off on the request, the city would have no problem with it.

Board member Hoehn moved permission to tap be given, pending completion of paperwork as well as permission from all who own the line. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Board member Fuelling moved the meeting be adjourned. Seconded by Board member Higgins. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloat; Chief Waters; Supt. Givens; Comm. Maynard; Dave and Judy Whitten; Jerry Walden; Tom Hogan and Rich DeMarco – Johnson Controls, Inc.; Hank Hudson; David Frye and Dr. Keith Spurgeon – MSD of Mount Vernon; Joe Winiger; Chris Zirklebach; Amy Moore – Mount Vernon Democrat; and Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloat reported the Annual Halloween give-a-way was another big success, hanging out around 1,100 bags of candy. He stated all the candy was gone in three hours and he would like to thank Comm. Maynard for the candy bags as well as the Fire Department for helping distribute them.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Sewer Chairwoman Higgins stated she has no report.
Supt. Givens stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Mayor Tucker stated they have the Financial Report for October before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated the first item on the Legal portion of the Agenda is the 2nd reading of the proposed Ordinance Establishing Salaries for the Elected Officials for the City of Mount Vernon, for the Year Ending December 31, 2009.

Councilwoman Askren moved the ordinance pass second reading. Seconded by Councilman Curtis.
Mayor Tucker asked if there was any discussion ?
There was none.

Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Council voting as follows:
Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item is the 2nd reading of proposed Ordinance Amending the Schedule of Rates and Charges for Weekly Trash Pick-Up to be Collected by the City of Mount Vernon, Indiana from the Customers Served by the Street/Sanitation Department of the City of Mount Vernon, Indiana. Councilwoman Hoehn moved the ordinance pass second reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?
There was none.
Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Council voting as follows:
Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated next on the Agenda is the 2nd reading of the proposed Ordinance Amending the Schedule of Rates and Charges to be Collected by the City of Mount Vernon, Indiana from the Customers Served by the Municipal Water Utility of the City of Mount Vernon, Indiana. He added this is adding the Super User tier.
Councilman Curtis moved the ordinance pass second reading. Seconded by Councilwoman Higgins.
Mayor Tucker asked if there was any discussion ?
Councilman Curtis stated he would like to reiterate that this is NOT an increase to residential customers, rather only affecting those that consume more than 10 MG of water per month, it simply adds another tier to their current rate structure.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item is an Ordinance of Additional Appropriations that the Clerk-Treasurer will now explain to the Council.

Clerk-Treasurer Wolfe stated the request in the COIT fund is to fund the city employee's health insurance premiums. She added the amount had been running around \$9,000 per month, but with changes in employee coverages, new hires, etc. that amount is now up to around \$13,000 – this is to get permission from the State to spend the money that they DO have in the COIT Fund. As for the request in Local Road and Street Fund, she stated every year, the State cuts that budget based on the amount of money the State knows the city will receive. The city has a good balance in that fund and this to get permission to spend that money – again, this is not a request for additional money, rather permission to spend the money they do have.

Councilwoman Askren moved the ordinance pass first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item they have is an Ordinance to Vacate A Public Right-of-Way.

She added this is in reference to the West School request to vacate Barter Street that they had discussed at their last meeting. She added Mr. Frye and Dr. Spurgeon are present, along with their legal counsel, Hank Hudson.

Mayor Tucker stated per state statute, he will now open the Public Hearing on the request and asked if anyone in the Audience wished to address the possible vacation ?

Hank Hudson approached the podium and stated on October 14 they filed the required petition and all utilities have been notified as well as Countrymark, who indicated they did have a line in the area but that the vacation would not be a problem for them. He added he has heard no concerns over the request and once approved, should alleviate traffic and safety concerns in and around the school. He added the school will then control Barter Street as part of its grounds.

Mayor Tucker asked if anyone else in the Audience wished to speak in the Public Hearing ?

There was no response.

Mayor Tucker then closed the Public Hearing.

Councilwoman Hoehn moved the ordinance pass on second reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Councilman Curtis then moved the rules be suspended and the Ordinance pass on third reading.

Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-28.

Mr. Frye, Dr. Spurgeon, and Mr. Hudson left the meeting.

Mayor Tucker stated they do have one more item.

Attorney Higgins stated this has to do with the Sewer Department's CSO project. She added they have applied for SRF funding and they must now do certain things to meet those requirements. She reminded Council the city has a PER that was prepared by Bernardin Lochmueller, and they have had the two required public hearings; BLA now needs an SRF Signatory Authorization Resolution to send in with the SRF application.

Councilwoman Hoehn moved Mayor Tucker be authorized to be the signatory and that the Resolution to approved. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-29.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker stated he does have some Old Business this evening. He continued by stating as Council is aware, Councilman Fuelling has been working on the silos and Chris Zirklebach has been helping with an application for the city to get a Brownfields Grant to help with removal of those silos. Councilman Fuelling asked if anyone in the Audience had any questions about the grant ?

There were no questions.

Mr. Zirklebach stated the silos were mentioned at their last meeting, and as a part of the grant process, they need to notify the community of their intentions and take any questions or comments from the public. He added the grant they are applying for is a federal grant in the amount of \$200,000 to help with the removal of the silos. He added he was also just notified that the State of Indiana will match the grant, if they receive it, with \$40,000.

Dave Whitten approached and stated he lives at 303 E. Water Street and has full view of the silos – this project has the full support of him and his wife, and they are willing to assist in any way they can.

Mr. Zirklebach thanked Mr. Whitten for his comments.

Jerry Walden approached and stated this is a fantastic development and he is in favor of it. He added it is magnificent the support this project is getting and he is very proud of all involved.

Mayor Tucker asked Attorney Higgins what needed to be done at this point ?

Attorney Higgins stated they are good as far as the public hearing part is concerned.

Mayor Tucker stated this "silo committee" was formed earlier in the year; WSI is helping, along with Barry Cox, who is taking on a big part in it as well.

Mr. Zirklebach added agreed the committee has put in a lot of time on this and WSI is actually paying his fee on the project and he would like to thank them and Barry Cox for their support. He added it has been great working with this committee and they are moving forward. He concluded they should know in four months or so if they were successful in getting the grant.

Mayor Tucker stated letters in support of the project would also help. He added the grant asks for letters actually, and the clock is ticking on that.

Mr. Zirklebach agreed and added the grant needs to be submitted Thursday, so they are rushed, but they are on schedule as well.

Larry Williams stated he is also in total support of the project and he will get the request for letters to the Chamber of Commerce as well.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn stated she received a call from a gentleman concerning abandoned cars, cars that don't run, being on the street. She added she knows Mrs. Willis is working on this.

Councilwoman Higgins stated she received the same call and passed it on to Mrs. Willis, who then passed it on to the Code Enforcement Officer.

Mayor Tucker stated they do have a very active program going on and asked that Chief Beloat remind the Council of their procedures.

Chief Beloat stated if a car is not operable and is on a public street, it is tagged, and 72 hours later it can be removed. He added that if the car is not operable and it is on private property, photos are taken, it is documented and tagged. He stated in this case, they have to wait 20-21 days before it can be removed.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated if there were no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer